

STUDENT DISCIPLINE POLICY

APPROVED BY COUNCIL 26 June 2020

A. RULES OF BEHAVIOUR FOR STUDENTS

(THE FOLLOWING APPLIED TO ALL STUDENTS, MEMBERS OF THE JCR AND MCR)

All Newnham College students are responsible for following the Rules of Behaviour. Not knowing or forgetting about the rules or their consequences is not a justification for not following them. Newnham College students are also responsible for following the University's Rules of Behaviour (https://www.studentcomplaints.admin.cam.ac.uk/files/sdp_-_oct_19.pdf).

All members of the College are responsible for their own safety, must not endanger the health and safety of anyone within College grounds or in the course of a University or College activity, and must be mindful of how their actions may impact the safety of others.

1. Students must:

- (a) comply with instructions issued by any person or body authorized to act on behalf of the College, in the proper discharge of their duties;
- (b) comply with all health and safety regulations and instructions issued by the College or other associated institution;
- (c) comply with the terms of the code of practice issued under the provisions of section 43 of the Education (No. 2) Act 1986 regarding meetings and public gatherings on College grounds;
- (d) comply with the Statutes and Ordinances and any rules and procedures or policies established under the Statutes and Ordinances, including those in the Student Handbook and on the College website.

2. Students must not:

- (a) interfere or attempt to interfere in the activities of the College, or any member of the College in the pursuit of their studies or in the performance of their duties;
- (b) damage, misappropriate or occupy without appropriate permission any College property or premises, or any property or premises accessed as a result of a College activity;
- (c) interfere in the freedom of speech or lawful assembly of a member of the College or visitor to the College;
- (d) engage or attempt to engage in physical misconduct, sexual misconduct or abusive behaviour: towards a member of the collegiate University community; or towards anyone within the precincts of the University¹ or during the course of a University or College activity; (NB any disciplinary procedures under this rule of behaviour will be subject to the University student disciplinary procedure in https://www.studentcomplaints.admin.cam.ac.uk/files/sdp_-_oct_19.pdf rather than the College student disciplinary procedure below);
- (e) damage or misappropriate property belonging to a member of the College; or belonging to anyone within College grounds or during the course of a College activity;
- (f) endanger the health and safety of anyone within College grounds or in the course of a University or College activity;

¹ See Regulation 1 of the Ordinance on Residence and Precincts of the University (Statutes and Ordinances, 2018, p. 175) which provides the following definition: The precincts of the University shall be the area within a boundary defined as extending three miles from Great St Mary's Church, measured in a straight line, and as including Madingley Hall and such other places about Cambridge as may from time to time be determined by Grace, or by such authority as may be provided by Grace, whether generally or with respect to particular persons or classes of persons.

- (g) forge, falsify or improperly use information to gain or attempt to gain a personal advantage.
- (h) engage in violent or anti-social behaviour in the College;
- (i) behave abusively towards any other member of the College, member of the College staff or visitor.

3. The following definitions are applied under the Rules of Behaviour:

- (a) ‘Activities of a College’ include activities that involve other organisations working in partnership with the College.
- (b) ‘Physical misconduct’ is any unwanted and unreasonable contact. Physical misconduct includes pinching, punching, kicking, slapping, pulling hair, biting, pushing, shoving, using weapons and using items as weapons.
- (c) ‘Sexual misconduct’ is any unwanted and unpermitted sexual activity. Sexual activity includes sexual acts, kissing, sharing private sexual materials of another, touching through clothes, showing sexual organs and remarks of a sexual nature. Sexual misconduct can take place in physical or virtual environments.
- (d) ‘Abusive behaviour’ is any unwanted behaviour which is reasonably likely to cause harm; or have the effect of violating another’s dignity; or create an intimidating, hostile, degrading, humiliating or offensive environment for that other. It includes threats, abusive comments, the use of or supply of illicit substances, making malicious accusations, repeatedly contacting someone, and abuse that takes place within an intimate relationship. Abusive behaviour can take place in physical or virtual environments.
- (e) The word ‘unwanted’ means ‘unwelcome’ or ‘uninvited’. It is not necessary for a person to object to the behaviour for it to be unwanted.
- (f) The word ‘unpermitted’ means ‘not permitted’ or ‘unauthorised’. A number of behaviours can indicate where permission has been given, for example, verbal comments or physical actions. Permission for an activity can only be given at the time it is taking place and where the person has the choice to give or not give permission. Where there is disagreement as to whether an activity was unpermitted, the applicable test shall be, taking all circumstances into account, whether a reasonable person would consider the activity was unpermitted.
- (g) ‘Instructions issued by any person or body authorised to act on behalf of the University’ include requests to attend meetings and to provide identification upon request.
- (h) A ‘College activity’ is an academic, sporting, social or cultural activity either on College grounds or elsewhere in the context of a person’s membership of the College.
- (i) ‘The code of practice issued under the provisions of section 43 of the Education (No. 2) Act 1986’ relates to meetings and public gatherings on University premises. The Code of Practice is available at: <https://www.cambridgestudents.cam.ac.uk/new-students/rules-and-legal-compliance/freedom-speech>.
- (j) ‘Rules and procedures established under the Statutes and Ordinances’ include policies and procedures that govern student conduct (including those contained in the Student Handbook and on the College website).

4. In line with our ‘Solving Problems’ policy (in the Student Handbook), we encourage the resolution of problems, including potential breaches of the Rules of Behaviour, through informal means, for example, through a confidential discussion with a Tutor. It is very much in everyone's interests to resolve matters at as early a stage as possible, so as to limit the amount of stress and formality for all parties. Our experience is that the vast majority of problems are resolved informally, without recourse to a more formal disciplinary procedure. But if matters cannot be resolved at an early stage, the Student Disciplinary Procedure and the Appeal Procedure are available. Examples of minor matters which would normally be dealt with outside of these disciplinary procedures are listed in the Student Handbook.

5. Any breach of the Rules of Behaviour may be considered more serious if:

- (a) it took place under the influence of alcohol or illicit substances;
- (b) it was motivated by the protected characteristics² or perceived protected characteristics of another;
- (c) the Respondent has previously been found to have breached the same Rule of Behaviour;
- (d) the Respondent has not complied with any sanction or measure under the Student Disciplinary Procedure;
- (e) the Respondent has breached precautionary action measures whilst the Student Disciplinary Procedure has been ongoing;
- (f) the Respondent has not provided the College with reasonable information upon request so that it can assess the risk the Respondent may pose to the College community;
- (g) the Respondent has attempted to conceal or destroy evidence, or coerce or intimidate officers, Reporting Persons or Witnesses, in relation to that breach;
- (h) the Respondent has abused a position of power or trust.

B. STUDENT DISCIPLINARY PROCEDURE

1. Glossary of key terms

1.1 In this procedure, the following terms shall have the meanings set out below:

Appeal Committee	A panel of three trained persons, appointed by Council, which determines whether an appeal against a decision of the Discipline Committee is upheld or dismissed, with the authority to amend, quash or impose sanctions or measures.
Completion of Procedures letter	A letter that confirms the completion of Newnham’s internal procedures, following which a student may be able to raise a complaint with the Office of the Independent Adjudicator
Concern	The description of the behaviour causing concern, reported by the Reporting Person
Investigating Officer	A person, appointed by Council, charged with responsibility for determining whether a Concern should be investigated, conducting any investigation and recommending the action to be taken following the investigation. In complex investigations, there will be an option of delegating some work. Where a Concern is referred to the Discipline Committee, the Investigating Officer will present the investigation findings to the Discipline Committee. Concerns requiring investigation will involve a disciplinary offence of a serious nature.
Discipline Committee	A panel of three trained persons, which determines whether the Rules of Behaviour have been breached and, if so, has the authority to impose sanctions or measures.
Impact Statement	A written statement from a Reporting Person or Witness that describes the personal impact of an alleged breach of the Rules of Behaviour

² These are listed in the Equality Act 2010 and are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

Investigation Report	The report created by the appointed Investigating Officer following an investigation
Student Disciplinary Panel	Members of the Discipline Committee will be appointed from the members of the Student Disciplinary Panel, whose membership is outlined below.
Student	Junior member of the College (i.e., members of JCR and MCR)
Reporting Person	A person who is reporting a Concern about a Student
Respondent	A student whose conduct is the subject of a Concern
Rules of Behaviour	The rules established by the College concerning the conduct of Students
Witness	A person who has witnessed the Respondent's behaviour or has witnessed a matter connected to the Respondent's behaviour as alleged in the Concern. The Witness may be someone to whom the behaviour was directed, or a third party

2. Scope and Principles

- 2.1 This procedure enables the College to consider whether a Student has breached the Rules of Behaviour and, if it is found that the Rules have been breached, to impose proportionate sanctions or measures. Concerns requiring investigation will involve a disciplinary offence of a serious nature. The procedure enables the College to respond appropriately to breaches of the Rules of Behaviour, to protect the College and its community. It does not exist to resolve personal disputes. The College may wish to take precautionary measures while procedure is ongoing, to prevent another potential breach.
- 2.2 This procedure is an internal process and does not have the same degree of formality as proceedings in a court of law. It is not normally necessary or appropriate for a Respondent or the College to be legally represented at any meetings that form part of the procedure apart from in exceptional circumstances.
- 2.3 The procedure itself can be stressful for those involved. The Investigating Officer and decision-makers will take into account the potential effects upon those engaging with the procedure and, where possible, minimise these effects. All Reporting Persons, Respondents and Witnesses will receive information about how to access support during this process. The appropriate support will depend on the circumstances of the case, but may be delivered by the College, the University, the Students' Unions' Advice Service or external support organisations.
- 2.4 Reasonable adjustments shall be made to the procedure to allow fair access for students with a disability. Respondents, Reporting Persons and Witnesses are requested to make any reasonable adjustments known to the Investigating Officer so that these can be put in place. The Investigating Officer may seek expert opinion regarding reasonable adjustments to ensure appropriate implementation and shall keep a record of any such adjustments.

- 2.5 In order to ensure that a Respondent's views are accurately represented during the process it is preferable for the College to correspond directly with the Respondent. However, it is accepted that sometimes this will not be in the best interests of the Respondent, for example, where a Respondent is reluctant to make or receive decisions about a Concern without support, as a result of an underlying medical condition or disability. Where a Respondent would prefer correspondence to be directed through an authorized representative, permission needs to be provided by the Respondent in writing or via the Respondent's University email account. Where this is appropriate, the Respondent will be given reasonable time to arrange this support.
- 2.6 It will not normally be possible for the Reporting Person to submit a Concern anonymously, apart from in exceptional circumstances where there is a compelling case as decided by the Investigating Officer, supported by evidence, for the matter to be investigated. Where an anonymous Concern is accepted, the Concern will normally be accompanied by independent evidence enabling an investigation to take place without the involvement of the anonymous Reporting Person.
- 2.7 Concerns are ideally submitted in a timely manner, so that matters can be dealt with effectively. However, it is accepted that this is not always possible, for example where evidence of misconduct only becomes apparent after a significant period of time, or where a matter has significantly impacted an individual and the effects of this impact has led to a delay in reporting. There is no arbitrary deadline for the submission of a Concern, or a time limit based on whether someone who was a Registered Student at the time of the alleged breach of the rules remains a Registered Student when the Concern is submitted. The timeframe may however have an impact on the investigation, decisions, and potential sanctions or measures.
- 2.8 The College shall investigate and consider Concerns in a timely manner, providing reasonable deadlines at each stage of the process for decision-makers to provide decisions and for Respondents, Reporting Persons and Witnesses to provide information. The College normally aims to complete the initial investigation and Discipline Committee decision within 60 days of informing the Respondent of the Concern. However, delays may occur where the case is complex, the Reporting Person, Respondent or Witnesses are not available to attend meetings, or where the procedure has been suspended for good reason. Respondents and Reporting Persons will be provided with updates where there is a delay.
- 2.9 Witnesses are expected to engage fully with the procedure, as far as is reasonable in the circumstances.
- 2.10 Where reasonable, physical meetings can be replaced by virtual meetings, where a Respondent, Reporting Person or Witness may attend a meeting by video or telephone call at the discretion of the Investigating Officer or Chair of the Committee.
- 2.11 All decision-makers and investigators will receive appropriate training to undertake their role and be appropriately resourced and supported. No decision-maker or investigator will have any previous involvement with the matter that they are considering, or personal knowledge of the Respondent or Reporting Person.
- 2.12 Any reference in this procedure to a named role includes a deputy appointed by that role-holder to exercise the functions assigned to that role-holder under this procedure.
- 2.13 Some breaches of the Rules of Behaviour could also constitute criminal offences. The College will not normally investigate a matter where criminal proceedings are ongoing (including criminal investigations and appeal processes), pausing any action under this procedure until criminal

proceedings are complete. Following an investigation undertaken by the police and any subsequent criminal proceedings, where it appears unlikely that criminal proceedings will take place, or where the behaviour being investigated by the College is different to the behaviour being considered through criminal proceedings, the College may take its own action under this or another procedure.

- 2.14 The College will treat relevant police fines, cautions, reprimands, final warnings³ or criminal convictions received by the Respondent as evidence that the behaviour, on which the offence was based, took place. A ‘not guilty’ or ‘no further action’ outcome from the police or criminal proceedings will not prevent the College from undertaking its own investigation as to whether a breach of the Rules of Behaviour has occurred.
- 2.15 Sometimes a Concern will be more appropriately investigated under another procedure, for example, the Fitness to Study Procedure, if the behaviour has been wholly caused by an underlying medical condition, or a University procedure. It will be at the discretion of the Investigating Officer, in consultation with relevant College Officers to decide which procedure is most appropriate to investigate student behaviour. The College reserves the right to refer a matter to another procedure at any time during this procedure. Sometimes a Concern will be appropriately investigated under this procedure but nonetheless, following the outcome, it will be necessary to refer the matter to another procedure.
- 2.16 Some breaches of the Rules of Behaviour will also be in breach of the University’s Statutes and Ordinances and may result in the University taking disciplinary action. The College shall take into consideration any action taken by the University to ensure that the Respondent is not punished twice for the same breach.
- 2.17 Where a Concern involves more than one Respondent, it will be at the discretion of the Investigating Officer to decide whether the Concern should be separated into separate investigations for some or all of the Respondents. Where an investigation includes more than one Respondent and the Investigating Officer has chosen to refer the matter to the Discipline Committee, the Chair of the Discipline Committee shall have the discretion to decide whether there shall be a single hearing for all of the Respondents, or a separate hearing for each Respondent. Where a hearing involving multiple respondents takes place, the personal mitigation of each Respondent, unless it refers to the other Respondent(s), shall not be shared with the other Respondent(s). Where multiple Respondents appeal the decision of the Discipline Committee decision appeals shall usually be considered separately but by the same Appeal Committee.
- 2.18 In cases where College Officers (in consultation with the Senior Tutor) assess that there is a need to put in place precautionary measures whilst an investigation is ongoing, College Officers will liaise with the Senior Tutor to take such action, and/or with the University to initiate the process outlined in the University’s Statutes & Ordinances under Special Ordinance D (v): Precautionary Action (Special Ordinance under Statute D I).
- 2.19 While the procedure is ongoing, a Respondent must not contact or attempt to contact the Reporting Person or any other Respondent(s) or Witness(es) to the alleged misconduct either directly or via another person. Except where precautionary action precludes it, Respondents may continue to pursue and complete their studies, including graduating, unless informed otherwise by the Investigating Officer.

³ Reprimands and final warnings are no longer issued by the police but are noted here to provide a complete list of the types of warnings that are covered by this paragraph.

- 2.20 The College owes a duty of care to all members, including Reporting Persons, Witnesses and Respondents, to safeguard their interests and safety.
- 2.21 Respondents, Witnesses, Reporting Persons and their supporters and representatives, as well as decision-makers and investigators, are required to communicate and act respectfully and reasonably at all times whilst using the procedure and to treat the processes with respect. Abusive behaviour will not be tolerated. If, following a warning, someone continues to behave in an unacceptable manner, that person may be subject to separate disciplinary action. The person may be required by a decision-maker to stop engaging with this procedure or engage in a limited manner, even if this impacts upon the consideration of the Concern or a subsequent appeal.
- 2.22 The standard of proof used when making determinations under this procedure is on the balance of probabilities. The burden of proof rests with the College; it is for the Investigating Officer to prove that a breach of the Rules of Behaviour has occurred. This means that the Investigating Officer will have to prove that it is more likely than not that a breach of the Rules of Behaviour occurred before any sanctions or measures can be imposed on the Respondent. Decisions must be supported by evidence; it is not enough to simply believe that something is likely to have happened.

Information sharing

- 2.23 The College shall share the information and evidence related to an investigation and outcome with members of staff, the Respondent, the Reporting Person and Witnesses where it is strictly necessary to do so in order to process, investigate, and/or determine the outcome of an alleged breach of the Rules of Behaviour, or to implement any sanctions or measures following a finding. All information received from a Reporting Person, Respondent, Witness or staff member will be handled sensitively and in accordance with the College's Data Protection Policy.
- 2.24 The College shall share all evidence considered in reaching a decision (except where the decision-maker determines that there is a compelling reason not to do so), the decision itself, the reasons for the decision and any sanctions or measures, with the Respondent. The evidence considered in reaching a decision may not be shared with the Respondent where the identity of the Reporting Person, or the identity of a Witness, or personal data or special category data belonging to another has been provided, where that person does not wish that data or identity to be shared and there is a compelling case for the matter to be investigated without revealing this information to the Respondent. A compelling case may include where the information is of no relevance to the Concern and therefore it does not need to be relied upon. Any student affected by such a decision who is dissatisfied can raise a complaint with reference to College's Data Protection Statement—Students. Where information is unable to be shared with the Respondent, this may affect the decision-maker's ability to rely on this evidence in reaching a decision. Where evidence is not relied upon by the decision-maker, this will be specified in the reasons for the decision.
- 2.25 Where relevant, the College shall share the initiation of an investigation, the investigation findings and the reasoned determination of the Investigating Officer or Discipline Committee, including any sanctions or measures, with the University, regulatory bodies (for example, the Disclosure and Barring Service), professional bodies (for example, the General Medical Council), or other organisations with whom the student may be connected, where it is appropriate to do so (for example, where the student holds a position of responsibility for children or vulnerable adults). Where formally requested to do so, or where the College considers that someone may be at

significant and immediate risk of harm, the College may disclose information received through this procedure to the police. When initiating an investigation, the Investigating Officer will inform the Respondent in writing of the circumstances by which the information about the case will be shared.

- 2.26 The College shall share investigation findings, the reasoned determination of the Investigating Officer or the Discipline Committee, and sanctions or measures, with the Reporting Person and Witnesses, where such information is relevant. 'Relevant' information is that which has a direct impact on the Reporting Person or Witness. The Reporting Person or Witness cannot appeal the outcome of the Student Discipline Officer or Discipline Committee. However, if there are concerns about how the matter was handled or the process used in reaching an outcome then the Reporting Person or Witness may be able to make a complaint under the College's Procedure for Solving Problems (Complaints from Students).
- 2.27 It is necessary that all parties feel able to engage fully with the procedure without concern for the wider sharing of information disclosed within the investigation process. Following the conclusion of the procedure, those involved may discuss their personal experience of the procedure with others. However, regardless of the outcome, parties should not identify or provide details that might identify any individual involved in the investigation or subsequent decision-making process.

3. Submitting a Concern

- 3.1 The College will normally be informed of a potential breach of the Rules of Behaviour by a Reporting Person. The Reporting Person may be a person who has been impacted by the reported behaviour, witnessed the reported behaviour or became aware of the reported behaviour through other means.
- 3.2 To submit a Concern, the Reporting Person must submit relevant information to the Vice Principal, the Senior Tutor, or the Investigating Officer, except in the case of potential breaches of rule of behaviour 2 (d) where the reporting procedures in the University student disciplinary procedure should be followed (https://www.studentcomplaints.admin.cam.ac.uk/files/sdp_-_oct_19.pdf)
- 3.3 The Investigating Officer shall communicate with the Reporting Person to acknowledge the Concern that has been received, to request further information where the Concern Form is incomplete, and to offer the Reporting Person a meeting to discuss the Procedure, though this can take place before a Concern is submitted.
- 3.4 The Investigating Officer will determine whether the following criteria are met:
- a) there is an allegation that, on the face of it, would appear to breach the Rules of Behaviour;
 - b) this procedure is the most appropriate procedure to use to investigate the matter; and
 - c) the Concern has not already been investigated using this procedure.
- 3.5 Where all the criteria have been met, the Investigating Officer shall investigate the Concern. Where at least one of the criteria has not been met, the Investigating Officer shall not investigate the Concern.
- 3.6 Where part of the Concern has previously been investigated, it is at the discretion of the Investigating Officer to decide whether to investigate the aspect that has not yet been investigated, taking into account why the matter was not previously fully investigated, the length of time that has elapsed since the investigation, the severity of the misconduct, the impact on the

Respondent of undergoing a second discipline investigation, and whether there would be repercussions for the Respondent's fitness to practise were the decision taken not to investigate the matter.

- 3.7 The Investigating Officer shall give written reasons for the decision about whether to commission an investigation and communicate the decision and the reasons to the Reporting Person in writing, within 7 days of making a decision. Reporting Persons who are students and dissatisfied with the outcome may be able to make a complaint under the Student Complaints Procedure within 28 days of being notified of the decision.
- 3.8 Where an investigation is not commissioned and any complaint relating to this decision has been completed, the Respondent shall normally be notified in writing of the Concern, the decision of the Investigating Officer, the reasons for the decision, and confirmation that no further action will be taken under this procedure, unless the complaint is withdrawn by the Reporting Person. This notification shall normally be provided to the Respondent within 7 days of the Investigating Officer's decision, or where the Reporting Person is a student, within 7 days of the deadline for raising a complaint or, if a complaint is submitted, following the completion of the complaint. However, where sharing this information with the Respondent may impact upon an investigation being undertaken under a different procedure or by an external body, a delay to informing the Respondent may be necessary.

4. Investigating a Concern

- 4.1 Where an investigation is undertaken, the Investigating Officer shall write to the Respondent to confirm that a Concern naming the Respondent has been received, the nature of the alleged behaviour, the relevant Rules of Behaviour that have allegedly been breached and that an investigation shall be conducted. The Investigating Officer will provide a brief summary of the Concern, name the Reporting Person (unless, exceptionally, an anonymous Concern has been accepted), and describe the investigation process, the possible outcomes, including referral to other procedures, for example fitness to practise, and who may need to be informed of these outcomes. The Investigating Officer will inform the Respondent of the avenues of support available to them and the potential consequences if the Concern relates to alleged misconduct that may constitute a criminal offence.
- 4.2 The Investigating Officer shall conduct an investigation that may require written statements, meetings and evidence relevant to the investigation. Written notes shall be taken of all investigative meetings. Any person required to attend an investigative meeting will be able to bring a supporter of their choosing to the meeting and will be directed to appropriate sources of support. At the meeting they can present written information, evidence and the names of any Witnesses and shall have the opportunity to comment on the Investigating Officer's written notes of any meeting that they have attended.
- 4.3 The Investigating Officer shall normally meet with the Reporting Person and with the Respondent to receive an oral account. The Investigating Officer may meet with any Witnesses or instead collect information through written statements. The Investigating Officer shall give anyone impacted by the alleged behaviour being investigated the opportunity to provide an Impact Statement.
- 4.4 In addition to investigating the Concern itself, the investigation shall include gathering information about and investigating the seriousness of the Concern, any mitigation provided by the Respondent and any relevant previous breaches of the Rules of Behaviour by the Respondent. During the investigation, it may be necessary to request further information and

responses from those who have already provided oral or written accounts. Information the Investigating Officer may consider collecting, where relevant and available, includes validating information that has been provided by others, records of correspondence, CCTV evidence, medical evidence from qualified medical practitioners, and records of online activity. This is a non-exhaustive list and the Investigating Officer may request any other material that they consider will provide value to the investigation. The College does not have the resources to undertake its own forensic investigation and therefore, unless this type of information already exists, the Investigating Officer shall not normally seek it.

5. Decision, following investigation

- 5.1 The Investigating Officer shall produce an Investigation Report, outlining the findings of the investigation.
- 5.2 Following the investigation, the Investigating Officer shall reach one of the following decisions:
- a) To recommend to the Senior Tutor a minor sanction or measure where a breach of the Rules of Behaviour has occurred and where it is considered that a minor sanction or measure is appropriate;
 - b) To refer the case to the Discipline Committee where it appears that a breach of the Rules of Behaviour may have taken place and a minor sanction or measure may not be an appropriate action;
 - c) Where neither a) nor b) is appropriate: (i) to take no further action; (ii) to refer the matter for decision under another procedure.
- 5.3 In considering whether to recommend a minor sanction or measure, or refer the case to the Discipline Committee, the Investigating Officer shall give consideration to paragraph 5 of the Rules of Behaviour and any guidance given in the Student Handbook and the College website (under Policies and Procedures) in relation to sanctions and measures, as well as the following factors:
- a) The seriousness of the breach;
 - b) The harm or damage caused;
 - c) The advantage gained or the advantage that could have been gained by the Respondent as a result of the breach;
 - d) The intent and planning involved in the breach;
 - e) The impact on the Collegiate University Community, including the content of any Impact Statement;
 - f) Whether the Respondent has admitted to the breach and when such an admission took place;
 - g) The frequency with which other Concerns about the Respondent have been raised and especially proved;
 - h) Whether the Respondent has expressed remorse and/or shown insight into the impact of the breach;
 - i) The evidenced personal circumstances of the Respondent.

Guidance for dealing with less serious breaches of the Rules of Behaviour are given in the Student Handbook and the College website (under Policies and Procedures).

- 5.4 Where the Investigating Officer recommends the imposition of a minor sanction or measure, one or more of the following sanctions or measures are available and not limited to:
- a) A written warning, which will be placed on the Respondent's record and will make any subsequent breaches of the Rule of Behaviour more serious;

- b) To require the Respondent to pay the cost of material damages;
- c) To require the Respondent to provide a written apology;
- d) To require the Respondent to engage with an educative or reflective session (which may involve completing a written reflection);
- e) To require the Respondent not to contact a Reporting Person or Witness.

5.5 The Investigating Officer shall provide the decision and the reasons for the decision in writing within 7 days of reaching a decision alongside a copy of the Investigation Report. Where a minor sanction or measure is recommended, the Respondent will have 7 days from receiving the decision to confirm whether to accept this outcome or have the case referred to the Discipline Committee.

5.6 The Investigating Officer may refer a case to the Discipline Committee for consideration where the Respondent does not comply with the minor sanction or measure; or where the Investigating Officer considers that a minor sanction or measure is not appropriate.

C. Procedure to be followed in cases of a serious disciplinary offence: the Student Disciplinary Panel⁴ and Discipline Committee

6.1 There shall be a Student Disciplinary Panel, from which the Discipline Committee will be drawn, to consider all cases of serious disciplinary offence. Its members, appointed by Council, shall be:

- The Vice-Principal (ex-officio Chairman);
- Three Tutors;⁵
- Four Directors of Studies.

Each Tutor shall serve for 3 years, except that, in the case of the first appointment under these regulations, one Tutor shall be elected to serve for 2 years.

Each Director of Studies shall serve for 3 years, except that in the first election under these regulations 4 shall be appointed, one Director to serve for 1 year, one for 2 years, one for 3 years and one for 4 years.

In addition, two Officers of CUSU will be identified annually to serve on the Student Disciplinary Panel. This role will rotate to other CUSU officers on an annual basis.

Members of the Student Disciplinary Panel will receive appropriate training.

In each case referred to the Discipline Committee the Chairman shall convene a group of available members, provided that neither the Senior Tutor, nor the student's own Director of Studies nor her Tutor shall sit to consider the case.

⁴ It is envisaged that the Standing Sub-Committee of the Education Committee and the Student Disciplinary Panel will have the same membership.

⁵ "Tutor" includes Tutors with named Tutorial posts, Assistant Tutors, and Assistant Graduate Tutors.

If the Vice Principal has any conflict of interest (e.g. as the student's Director of Studies or Tutor) the Council shall appoint another Officer or Fellow to take the chair, from the members of the Student Disciplinary Panel (as all members will have received training).

Should it prove impossible to convene a meeting with the full number of members, the Discipline Committee may co-opt members to fill any vacancy, provided that a Tutor's place be filled by a Tutor, or a Director of Studies' place by another Director of Studies, where practicable in a related or reasonably comparable subject.

- 6.2 Where the Investigating Officer refers any case to the Discipline Committee, the Vice Principal shall act as Chair. A College administrator shall act as Secretary to the Discipline Committee and assign by lot one member to the Discipline Committee from among the members of the Student Disciplinary Panel who are available and have not had prior involvement in the case.
- 6.3 The Discipline Committee shall consist of:
 - a) The Chair (the Vice Principal), who shall be experienced in decision-making relating to misconduct, either through legal training or in relation to student, staff or professional procedures;
 - b) A College Tutor or Director of Studies who is a member of the Student Disciplinary Panel;
 - c) An Officer of CUSU.
- 6.4 The Secretary of the Discipline Committee shall organise a meeting of the Discipline Committee and will communicate the membership of the Committee, date, time and location of the meeting to the Discipline Committee members, the Investigating Officer, the Respondent and the Respondent's Senior Tutor.
- 6.5 The Respondent shall be provided with a copy of the Investigation Report and evidence, have an opportunity to provide a written response and be invited to attend the Discipline Committee meeting with a supporter and/or representative of their choice. Appropriate support may be available from the Respondent's Tutor or from any appropriate source within the University or the College, or the Students' Unions' Advice Service. Any response or request to call witnesses from the Respondent must be provided at least 10 days before the date of the Discipline Committee meeting. A request to call a Witness will be considered by the Chair, who shall determine whether to permit the Witness to attend or provide evidence in an alternative format at outlined at paragraph 7.8. Where the Respondent is dissatisfied with the Chair's decision, the Respondent can appeal this decision following the Discipline Committee's decision on the Concern to the Appeal Committee. A Respondent who wishes to admit the alleged misconduct in advance of the Discipline Committee meeting may do so as part of the written response, in which case the meeting may focus only on what, if any, sanction or measure to apply.
- 6.6 Respondents should attend the Discipline Committee in person, where possible. However, where this is impractical, for example, where the Respondent is in another country, the Respondent may attend by video link. If the Respondent is unable to attend the Discipline Committee meeting and wishes to do so, it shall be at the Chair's discretion as to whether the Respondent has provided a sufficient reason for absence, in which case the meeting date should be re-arranged. The Discipline Committee meeting may proceed in the Respondent's absence.
- 6.7 The Discipline Committee, the Respondent and the Investigator shall receive a copy of the Discipline Committee papers; the Investigation Report and evidence, and any response provided by the Respondent, at least 7 days before the Discipline Committee hearing.

- 6.8 During the Discipline Committee meeting, there shall be the opportunity for the Committee members to ask questions of the Investigating Officer and, if in attendance, the Respondent. The Respondent (or the Respondent's representative) and the Investigating Officer will also have the opportunity to ask questions of each other. The Respondent shall have the opportunity to make a final statement.
- 6.9 It will not normally be necessary for the Reporting Person(s) and/or Witness(es) to attend the meeting as their evidence will be provided in the Discipline Committee papers. Where the Respondent wishes to challenge the evidence of a Reporting Person or a Witness, the Chair of the Discipline Committee will determine the most appropriate format for this. Appropriate formats may include the Reporting Person or Witness attending the Discipline Committee meeting in person or by video link, or questions being directed through the Chair. Alternatively, the Respondent may be asked to explain the precise challenges and, where the Chair of the Discipline Committee considers those challenges material to the Discipline Committee's decision, a further written response will be sought from the Reporting Person or Witness. The Discipline Committee may pause the meeting to request further information where the Chair deems it appropriate to do so.
- 6.10 Once the Discipline Committee is satisfied that it has received all of the information, all persons except for the members, the Secretary of the Discipline Committee shall withdraw.
- 6.11 The Discipline Committee shall consider all the information that has been provided and reach one of the following decisions:
- a) To dismiss the case;
 - b) To find that there has been a breach of the Rules of Behaviour.
- 6.12 Where the Discipline Committee has found that the Rules of Behaviour have been breached, the Secretary shall inform the Discipline Committee of any previous breaches of the same Rule. The Respondent (and any supporter or representative) and the Investigating Officer will be invited back into the meeting and the Respondent (or the Respondent's representative) will have an opportunity to make a further statement in relation to mitigation regarding the breach of the Rules of Behaviour and any previous breaches of Rules of Behaviour. The Investigating Officer may provide further information including in relation to any Impact Statement and the Committee may ask questions. The Respondent (or the Respondent's representative) shall have the opportunity to make a final statement.
- 6.13 The Discipline Committee will then consider whether a sanction or measure should be imposed. Consideration shall be given to the factors outlined in paragraph 5 of the Rules of Behaviour and paragraph 5.3 of this procedure. The Discipline Committee can consider whether a minor sanction or measure, as outlined in paragraph 5.4, should be imposed. Where a minor sanction or measure is not considered to be appropriate, the Discipline Committee can choose from the following further sanctions and measures:
- a) Restrictions or conditions on the right to use College premises, facilities or services;
 - b) Temporary or permanent exclusion from membership of the College;
 - c) Any penalty considered by the Discipline Committee to be lighter.
- 6.14 In deciding upon the appropriate sanction(s) or measure(s), the Discipline Committee shall consider each sanction or measure in turn and record the reasons for the sanctions or measures imposed. The Principal or Senior Tutor may penalise students. But the penalty of removal from the College for a term or terms or permanently, or in the case of a scholar, deprivation of her scholarship or partial forfeiture of the emoluments thereof, shall be inflicted only by the Council (see Statute XVII). In a case where the appeal is against a decision of the Council under Statute

XVII, the Appeal Committee must be chaired by someone who is trained and who is not a College member.

- 6.15 The Secretary of the Discipline Committee, within 7 days of the Discipline Committee reaching a decision, shall provide to the Respondent a written document explaining the Discipline Committee's decision, reasons for the decision, any sanction or measure applied and the right of appeal. The notes of the Discipline Committee meeting will be shared with the Respondent within 14 days of the Discipline Committee meeting. The outcome will be shared with others in line with 2.25-2.27 of this procedure.
- 6.16 Where a Respondent subsequently fails to comply with any sanctions or measures imposed by the Discipline Committee, the Respondent will be subject to any action specified by the Discipline Committee to be imposed in this circumstance; or, where other action has not been specified, further disciplinary action may be taken under paragraph 1(a) of the Rules of Behaviour.

D. The Appeal Committee

- 7.1 The Respondent shall have the right to appeal the decision of the Discipline Committee within 14 days of receiving the written decision. A College administrator shall act as Secretary to the Appeal Committee. The Secretary to the Appeal Committee has the authority to extend the appeal deadline, where there is a compelling reason to do so.
- 7.2 An appeal can be submitted only on the following grounds, that:
- a) The procedures were not followed properly;
 - b) The Discipline Committee reached an unreasonable decision;
 - c) The Respondent has new material evidence that the Respondent was unable, for valid reasons, to provide earlier in the process;
 - d) There is bias or reasonable perception of bias during the procedure;
 - e) The penalty imposed was disproportionate, or not permitted under the procedures.
- 7.3 In order to appeal the Discipline Committee's decision, the Respondent will need to complete and submit an Appeal Form to the Secretary of the Appeal Committee, which includes all evidence the Respondent wishes to be considered as part of the appeal. The University will normally aim to make a decision regarding an appeal within 30 days of the Respondent making the appeal.
- 7.4 If the appeal has been made on the specified grounds and within the timeframe, as determined by the Secretary of the Appeal Committee, the Secretary shall assign by lot members of the Appeal Committee from among the members of the Student Disciplinary Panel who are available and have not have prior involvement in the case.
- 7.5 The Appeal Committee shall consist of:
- a) A Chair (other than the Vice Principal), who shall be experienced in decision-making relating to misconduct, either through legal training or in relation to student, staff or professional procedures;
 - b) A College Tutor or Director of Studies who serves on the Student Disciplinary Panel and did not serve on the Discipline Committee;
 - c) An Officer of CUSU who did not serve on the Discipline Committee.

- 7.6 The Secretary of the Appeal Committee shall organise a meeting of the Appeal Committee either physically or virtually and communicate the date, time and location for the meeting to members of the Committee. The Respondent will be informed of the members of the Appeal Committee.
- 7.7 The Appeal Committee shall receive the Respondent's Appeal Form and evidence, the Discipline Committee outcome, the notes of the Discipline Committee and the material considered by the Discipline Committee at least 7 days before the Appeal Committee meeting.
- 7.8 The Appeal Committee shall normally consider an appeal in private based on the written materials, but has the discretion to request further information; where this happens the Respondent shall be sent a copy of any further information and be given an opportunity to provide a written response.
- 7.9 The Appeal Committee shall consider all the information that has been provided and reach one of the following decisions:
- a) To dismiss the appeal;
 - b) To uphold the appeal.
- 7.10 Where the Appeal Committee has upheld an appeal, it can choose to send the matter back for re-consideration by a Discipline Committee, or alternatively it has the power to impose its own decision, including sanctions or measures. Where the Appeal Committee considers a breach of the Rules of Behaviour has taken place, it can impose any sanction or measure outlined in paragraphs 5.4 and 6.12 of this procedure, including more or less significant sanctions or measures than were imposed by the Discipline Committee for the same breach.
- 7.11 The Secretary of the Appeal Committee, within 7 days of the Appeal Committee reaching a decision, shall provide to the Respondent a written copy of the Appeal Committee's decision, reasons for the decision, and any substituted decision. This is the final stage of the internal process and therefore the Respondent will be issued with a Completion of Procedures letter.
- 7.12 Where the Discipline Committee has imposed a sanction or measure and the Respondent has appealed, the sanction or measure will not normally be implemented while the appeal is being considered. Following the Appeal Committee's decision, any sanctions or measures shall be implemented, even if the Respondent intends to raise a complaint with an external body.
- 7.13 Where a Respondent subsequently fails to comply with any sanctions or measures imposed by the Appeal Committee, the Respondent will be subject to any action specified by the Appeal Committee to be imposed in this circumstance; or, where other action has not been specified, further disciplinary action may be taken under paragraph 1(a) of the Rules of Behaviour.

8 Reporting and Monitoring

- 8.1 The College shall monitor all Concerns reported made using this procedure and shall produce an annual report summarizing the anonymised decisions made by the Discipline Committee and the Appeal Committee. The annual report shall be submitted to Council.
- 8.2 The purpose of this monitoring shall be to ensure that decisions are made consistently and at the appropriate level; that appropriate action is taken on issues identified and that information gathered is used to improve guidance and support for students and staff involved in the procedure.

Flow chart of the Newnham Student Discipline Procedure (adapted from OSCCA template)

